

### REMARKS

Claims 1, 4, 8, 9, 12-13, 15, 22 and 23 are pending in this application with Claims 1 being independent. Claims 2, 5, 6, 11, 14, 16, 18, 20 and 24-25 have been canceled without prejudice. Independent Claim 26 has been added.

In the Office Action, the Examiner has rejected pending claims 1, 12, and 22 under 35 U.S.C. §102(b) as being anticipated by Dennis (U.S. Patent 4,054,752). Claims 16 and 20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Dennis in view of Toyoda (U.S. 4,420,773). Claim 11 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Dennis. Claims 1, 2, 4, 5, 6, 12, 16, 20, 22, 24 and 25 have been rejected under 35 U.S.C. §102(e) as being anticipated by Rayner (U.S. Patent 6,389,340). It is respectfully requested that the rejections be withdrawn in light of the amendments to the claims and the following remarks.

As pointed out above, Claims 1, 12, and 22 stand rejected under 35 U.S.C. §102(b) as being anticipated by Dennis. Claim 1 recites a digital apparatus. In contrast, Dennis discloses an analog video-recording apparatus operating as a surveillance and alarm system. While using the apparatus of Dennis, one has to either manipulate the tape of Dennis' apparatus or the latter should rewind the tape automatically once it reaches its end to start recording all over again. While the tape is being rewound, events cannot be recorded. Thus, potentially important information may be lost. In contrast, the digital system of Claim 1 does not have a period of time when the information is not being recorded. Finally, the use of Dennis' apparatus calls for a rather prolonged period of recording that requires a relatively large storage leading to an increased manufacturing cost. Thus, the digital feature of the present invention constitutes specific structural and patentable weight.

Furthermore, Claim 1, as amended, recites a housing means "configured so that said digital incident recording apparatus is used for taking at least one manually made snap shot of a visual scene upon removing said housing means from said installation base." In contrast, Dennis teaches a stationary recording apparatus that cannot be used

for making still pictures. The rationale behind the system taught by Dennis is to have the recording system operating as inconspicuously as possible. Holding the apparatus in the hands of the operator would certainly contradict the tenor of the reference. Accordingly, Applicant respectfully submits that Dennis does not teach or suggest each and every limitation of Claim 1, as amended. Claims 12 and 22 depend from Claim 1 and are not anticipated at least for the same reasons as the base claim.

It is respectfully requested that the 35 U.S.C. §102(b) rejection of Claims 1, 12 and 22 in view of Dennis be withdrawn.

Claims 16 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dennis in view of Toyoda. Claims 16 and 20 have been cancelled without prejudice. Thus, the basis for the rejection is moot.

Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Dennis. This Claim has been cancelled without prejudice.

Claims 1, 2, 4, 5, 6, 12, 16, 20, 22, 24 and 25 stand rejected over Rayner under 35 U.S.C. §102(e). Claim 1 has been amended to recite a persistent storage for preserving buffered scenes upon receiving these scenes directly from a means for buffering. In contrast, Rayner discloses initially recording scenes on a volatile memory device and only after it, copying the scenes on a permanent (or persistent) memory device. Direct connection between the buffering means and the persistent storage, as recited in amended Claim 1, makes the inventive system more reliable than the system of Rayner, because in case of a power failure, all of the events recorded on the volatile memory device of Rayner will be lost.

Furthermore, Claim 1 has been amended to recite a digital incident recording apparatus configured to make at least one manually made snap shot after detaching the housing of the apparatus from an installation base. In contrast, Rayner does not disclose the possibility of operating a recording device held in an operator's hands. As disclosed

by Rayner, a panic button does not allow the user to operate Rayner's recording apparatus to make still pictures (snap-shots), as recited in amended Claim 1. Claims 4, 6, 12, 16, 20, 22 depend from Claim 1 and are not anticipated for the same reasons as the base Claim.

Therefore, it is respectfully requested that the 35 U.S.C. §102(e) rejection to Claims 1, 4, 6, 12, 16, 20 and 22 be withdrawn.

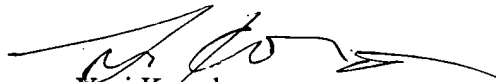
Independent method Claim 26 has been added to recite a method for digitally recording an incident . It is believed that Claim 26 is distinguished from the cited prior art for at least reasons similar to those for Claim1.

Submitted is a sketch showing the changes proposed by Applicant and made in red. No new matter has been introduced by the proposed changes. Upon the Examiner's approval, the changes will be incorporated in the formal drawings.

It is respectfully submitted that Claim 8 is still pending in this application and, as far as the undersigned is informed, was never cancelled.

It is respectfully submitted that all pending claims, specifically, Claims 1, 4, 8, 9, 12-13, 15, 22 and 23 and 26 are in condition for allowance. If the Examiner has any questions regarding this communication or feels that an interview would be helpful in prosecuting this application, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,



Yuri Kateshov  
Reg. No. 34,466  
Attorney for Applicant(s)

DILWORTH & BARRESE, LLP  
333 Earle Ovington Boulevard  
Uniondale, New York 11553